

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

INITIAL STATEMENT OF REASONS

Subject Matter of Proposed Regulations: Limited Permits

Sections Affected: Title 16, Division 39, California Code of Regulations, Section 4141.

SPECIFIC PURPOSE OF THE REGULATIONS:

The specific purpose of the proposed regulations is to amend California Code of Regulations section 4123 to reduce the length of time that a limited permit is valid, to require that the limited permit holder notify the Board of the employer and supervisor, and to eliminate the application of the limited permit fee to the initial license or certificate fee.

FACTUAL BASIS/NECESSITY:

Current statute allows the Board to issue limited permits to recent graduates to allow them to practice under supervision while waiting to take the first available National Board for Certification in Occupational Therapy (NBCOT) licensing examination or awaiting the results of the examination.

Since the inception of this statute, the NBCOT replaced its quarterly written examination with an on-demand computer-delivered examination. This allows exam candidates more flexibility in scheduling the examination. Once candidates are determined to be eligible to take the exam, the NBCOT issues an *Authorization to Test* letter which is valid for 90 days. If the candidate does not take the exam within the 90-day eligibility period, they must pay an additional fee to have the eligibility period extended. As such, the Board interprets that the "first available examination" as referenced in Business and Professions Code section 2570.5(b) means during the candidate's first 90-day eligibility period.

Given that applicants no longer have to wait for a written examination, the Board believes the validity of a limited permit should be reduced to three (3) months from the date of issuance, upon receipt of a failing result, or two (2) weeks following the expiration of the eligibility period, whichever occurs first. The three month timeframe correlates to the 90-day eligibility period, and the two week period beyond the eligibility period allows the Board time to receive the score results of candidates who took the exam at the end of their eligibility period. The purpose for this amendment is to reduce the number of limited permit holders who continue to work after failing the examination. Likewise, if an applicant does not take the examination within their eligibility period, they should not be authorized to continue to practice for any arbitrary period of time until their permit expires.

The proposed regulations would also require limited permit holders to provide the Board with the name, address and telephone number of their employer and identify of their supervisor. A change in employer or supervisor must be provided within ten (10) days. This amendment would provide the Board with the necessary information to notify an employer/supervisor if an applicant failed the exam and their limited permit was cancelled.

The proposal eliminates the application of the \$75.00 limited permit fee to the initial licensing fee if the applicant passes the first examination. The limited permit fee allows the applicant to gain employment in their field for a period of up to three months. The \$75.00 fee reimburses the Board for staff time to review the applicant's file, issue the limited permit, and track the applicant's exam results.

UNDERLYING DATA:

None.

BUSINESS IMPACT:

This regulation will not have a significant adverse economic impact on business. The proposed regulations will only affect licensees, certificate holders or unlicensed persons.

SPECIFIC TECHNOLOGIES OR EQUIPMENT:

This regulation does not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES:

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.